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10/840,109	05/05/2004	Martin Weel	1116-063	9461

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EXAMINER	
LUU, LE HIEN	

ART UNIT	PAPER NUMBER
2441	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. In the remarks, applicant argued in substance that

(A) Prior art does not teach direct a second device to obtain or receive a song identified by the song identifier.

As to point (A), Szeto teaches User A shares information about a song with User B, and User B is able to experience the same song by clicking on an indicator read on to limitation direct a second device to obtain or receive a song identified by the song identifier (Fig 3; pages 3-5, paragraphs [0024 – 0029, 0034]).

(B) Prior art does not teach directing a second device to request a media item and receive a media item.

As to point (B), Szeto teaches User B clicks on an indicator that indicates a song identifier, and a media server begins to stream the song to User B read on to limitation directing a second device to request a media item and receive a media item (Fig 3; pages 3-5, paragraphs [0024 – 0029, 0034]).

(C) Prior art does not teach displaying a plurality of playlist names.

As to point (C), Szeto teaches a user can display and share a playlist name with other users. Szeto inherently teaches user can display a plurality of playlist names even though Szeto discloses displaying a playlist name in the disclosure of the invention (Fig 3; pages 3-5, paragraphs [0024 – 0029, 0034]).

2. Applicant's arguments filed on 12/22/2008 have been fully considered but they are not deemed to be persuasive. The rejections of claims 35, 37-39, 41, and 43-53, are respectfully maintained and incorporated by reference as set forth in the Final Office

Action. In addition, office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."). Therefore, limitations that are argued by applicant but are not in claimed language are not being considered by Examiner.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Le Luu/

Primary Examiner, Art Unit 2441